

Filed by: Trial Section Merits Panel  
Mail Stop INTERFERENCE  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
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Paper No. 44  
Entered: February 27, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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TORLEIF OVE BJORNSON, RANDY M. McCORMICK,  
and DAVID S. SOANE

Junior Party  
(Patent No. 6,103,199)<sup>1</sup>

v.

JOHN WALLACE PARCE, ANN R. KOPF-SILL,  
and LUC J. BOUSSE

Senior Party  
(Application 09/721,508)<sup>2</sup>

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Patent Interference No. 105,444  
(Technology Center 1600)

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Before LEE, LANE and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**Judgment -- Request for Adverse -- Bd. R. 127(b)**

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<sup>1</sup> Based on Application 09/153,566, filed September 15, 1998. The real party in interest is Monogram Biosciences, Inc.

<sup>2</sup> Filed November 22, 2000. Accorded the benefit of Application 09/346,660, filed July 1, 1999, and Application 08/671,987, filed June 28, 1996. The real party in interest is Caliper Technologies Corporation.

1           On February 22, 2007, junior party Bjornson conceded priority and requested entry of  
2   adverse judgment with respect to the subject matter of Count 1 (Paper No. 43). No motion is  
3   pending in this case.

4           The request for entry of adverse judgment is granted.

5           It is

6           **ORDERED** that judgment on priority as to the subject matter of Count 1 is herein  
7   entered against junior party TORLEIF OVE BJORNSON, RANDY M. McCORMICK and  
8   DAVID S. SOANE;

9           **FURTHER ORDERED** that junior party TORLEIF OVE BJORNSON, RANDY M.  
10   McCORMICK and DAVID S. SOANE is not entitled to claims 1-17 of its involved Patent No.  
11   6,103,199;

12          **FURTHER ORDERED** that if there is a settlement agreement, the parties should note  
13   the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

14          **FURTHER ORDERED** that a copy of this judgment be placed in the respective  
15   involved application or patent of the parties.

Interference No. 105,444  
Bjornson v. Parce

/ss/ Jameson Lee  
JAMESON LEE  
Administrative Patent Judge

/ss/ Sally Gardner Lane  
SALLY GARDNER LANE  
Administrative Patent Judge

/ss/ James T. Moore  
JAMES T. MOORE  
Administrative Patent Judge

Interference No. 105,444  
Bjornson v. Parce

By Electronic Transmission:

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**Despertt, Sonja**

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**Subject:** Interference 105444 (JL) Paper No. 44 - Judgment-Request for Adverse-Bd.R. 127(b)  
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